

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission

From: Planning Division

Date: March 24, 2004

Re: REZONING: 3631 Old Forest Rd., B-1, Limited Business District and R-3, Two-Family Residential District to B-1, Limited Business District (Conditional)

I. PETITIONER

Mr. Robert Dawson, Dawson Ford Garbee & Co., 3715 Old Forest Rd., Lynchburg, VA 24501

Representative: Mr. Thomas C. Brooks, ACRES of VA., 404 Clay St., Lynchburg, VA 24504

II. LOCATION

The subject property is a tract of approximately 3 acres located at 3631 Old Forest Rd.

Property Owner: J.B. Mehaffey, Estate, Hazel Whorley, 3625 Old Forest Rd., Lynchburg, VA 24501

III. PURPOSE

The purpose of the petition is rezone approximately three (3) acres at 3631 Old Forest Rd. from B-1, Limited Business District and R-3, Two-Family Residential District to B-1, Limited Business District (Conditional) to allow the construction of an office complex.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan which designates this area of Old Forest Rd. for Office Uses.
- Petition agrees with the Zoning Ordinance in that offices are a permitted use in a B-1, Limited Business District.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends that this area of Old Forest Rd. be developed for Office use. The Future Land Use Map (FLUM) does show a break in the Office use in the vicinity of the subject property and indicates a Low Density Residential Use. However, the FLUM is not intended to be parcel specific, and the future use of the property for residential purposes is unlikely.
2. **Zoning.** The subject property was annexed into the City in 1976, and was zoned B-1, Limited Business District and R-3, Two-Family Residential District when the current Zoning Ordinance was adopted in 1978.
3. **Proffers.** The petitioner voluntarily submitted the following proffers with the rezoning application:

- The following uses will be permitted by right subject to the regulations of the zoning ordinance, including those specific uses in Article X of the zoning ordinance.
 1. Uses permitted by right as regulated in the adjacent residential district of highest density.
 2. Barber shops and beauty parlors.
 3. Branch banks and branch offices of savings and loan associations, including incidental drive-in service windows for such types of businesses.
 4. Boardinghouses or lodging houses. *(Deleted)*
 5. Care center.
 6. Churches and other places of worship.
 7. Clubs and fraternal organizations.
 8. Computer centers.
 9. Convalescent and nursing homes. *(Deleted)*
 10. Convents and monasteries. *(Deleted)*
 11. Dance studios.
 12. Funeral homes and undertaking establishments. *(Deleted)*
 13. Group homes. *(Deleted)*
 14. Halls or theaters for music, drama, lectures or other civic or amateur presentations of the arts.
 15. Libraries, museums and similar institutions of noncommercial nature.
 16. Offices, provided that no merchandise, material or equipment is stored or kept on the premises, either inside or outside of the building, for sale demonstration or repair.
 17. Parking of passenger automobiles, not including trailers, trucks or buses, on open lots for transient occupancy, for which fees may be charged; however, automobiles sales will not be permitted on such lots, nor shall any floodlights, or similar devise, be used for illumination, except shaded lights sufficient for safety and illuminating only the lot itself may be used, provided, the source of light is not visible beyond the property line.
 18. Police stations, fire stations and public offices providing decentralized services surrounding residential areas. *(Deleted)*
 19. Telephone exchanges and dial centers.
 20. Tourist homes or bed and breakfast. *(Deleted)*
 21. Rooming houses. *(Deleted)*

22. Schools for general education that do not exceed a maximum enrollment of twenty-five (25) students.
- Permitted accessory uses. The following uses will be permitted as accessory to principal uses in limited commercial districts as regulated by Section 35.1-24 of the zoning ordinance.
 1. Uses permitted and as regulated as accessory uses in the adjacent residential district of the highest density.
 2. Off-street parking lots or structures under the regulations of Section 35.1-25 and Article X of the zoning ordinance.
 3. Signs, as permitted herein.
 4. Pharmacies within buildings occupied by and incidental to medical and dental offices.
 5. Food service facilities for use of persons regularly employed in permitted uses, where such facilities are included within the building served.
- Uses permitted by conditional use permit. The following uses shall be permitted by conditional use permit in limited business districts (B-1) under the regulations of Section 35.1-15 and Article X of the zoning ordinance.
 1. Hospitals and sanatoriums.
 2. Public utilities.
 3. Cluster commercial development.
 4. Schools and colleges for general education with a total enrollment of twenty-five (25) students.
- We further herby proffer to eliminate any use of a 50' strip of land at the rear of the property that runs from Primrose Lane a distance of 217.91 feet. This strip will not be used for any road or driveway ingress or egress.
- We hereby proffer to limit the office building at the north end of the property to a two and one half (2 ½) story building and the building at the south end of the property to a one (1) story building.
- We further proffer that the exterior features of the building will be vinyl siding and split face block.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
5. **Previous Actions.** The following items in the area have required City Council approval:
 - On February 12, 1980, the City Council approved the Conditional Use Permit petition of Old Forest Rd. Baptist Church, to allow a day care center at 3630 Old Forest Rd.

- On April 8, 1980, the City Council approved the Conditional Use Permit petition of Old Forest Rd. Baptist Church, to allow the construction of an education building at 3630 Old Forest Rd.
 - On December 9, 1980, the City Council approved the Conditional Use Permit petition of Old Forest Rd. Baptist Church, to allow the construction of an athletic field at 3630 Old Forest Rd.
 - On June 13, 1989, the City Council approved the Conditional Use Permit petition of Creeper Crawler Cribbery, to allow the construction of a building addition, play area and parking lot at 3601 Old Forest Rd.
 - On July 14, 1992, the City Council approved the Conditional Use Permit petition of Old Forest Rd. Baptist Church, to allow the construction of a parking area at 3630 Old Forest Rd.
 - On April 14, 1998, the City Council approved the rezoning petition of Thomas J. Gerdy, to rezone the property at 3622 Old Forest Rd., from R-5, Multi-Family Residential District to B-3, Community Business District (Conditional) to allow the construction of a retail outlet.
 - On April 13, 1999, the City Council approved the Conditional Use Permit petition of Milton and Neal, to allow the construction of a parking area at 3701 Old Forest Rd.
6. **Site Description.** The subject property is bounded to the north by an institutional use, to the south and east by residential uses and to the west by an office use and vacant land.
7. **Proposed Use of Property.** The purpose of the rezoning is to allow the construction of an office complex and associated parking areas.
8. **Traffic and Parking.** The City Traffic Engineer's only comment of concern is related to site distance from the proposed entrance along Old Forest Rd. The submitted site plan indicates a site distance of 275 feet to the west and 1000 feet to the east. The minimum site distance that is acceptable to the City Traffic Engineer is 350 feet. This would require the movement of the proposed entrance to the east and can be accomplished prior to final site plan approval.
- Section 35.1-25, Off-street parking and loading, of the Zoning Ordinance requires that 1 parking space be provided for every 300 square feet of floor area for office uses. The submitted site plan indicates a total of 110 parking spaces which is in excess of the 100 required parking spaces.
9. **Stormwater Management.** A stormwater management plan will be required for the building and parking additions because disturbed areas will exceed 1,000 square feet. Storm water management will be addressed by using underground detention and "Best Management Practices" (BMP's). A stormwater management plan will be required prior to final site plan approval.
10. **Impact.** The petition proposes to rezone the property from B-1, Limited Business District and R-3, Two-Family Residential District to B-1, Limited Business District (Conditional)

to allow the construction of two office buildings and associated parking. The portion of the property that is currently zoned R-3, Two-Family Residential District will be difficult to develop as a residential use. A subdivision would be required and the property would not meet the minimum street frontage requirement of sixty (60) feet.

The petitioner has voluntarily proffered to restrict access to Primrose Lane. This proffer will eliminate traffic associated with the commercial use from using this residential street as a thoroughfare.

The submitted site plan indicates that the proposed building closest to the adjacent residentially zoned properties will be one-story. This along with appropriate design, building materials and the required evergreen buffer will facilitate the transition between commercial and residential property. Impacts from the proposed development should be minimal.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on March 2, 2004. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition of Dawson Ford Garbee & Company to rezone approximately 3 acres at 3631 Old Forest Road from B-1, Limited Business District and R-3, Two-Family Residential District to B-1, Limited Business District (Conditional).

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. R. Douglas Dejarnette, Fire Marshal
Ms. Judith C. Wiegand, Senior Planner
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Karl Cooler, Building Commissioner
Mr. Arthur L. Tolley, Zoning Official

Mr. Robert S. Fowler, Zoning Official
Mr. Kent White, Environmental Planner
Mr. Robert Dawson, Dawson Ford Garbee & Co., Petitioner
Mr. Thomas C. Brooks, Sr., ACRES of Virginia, Representative

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
(see attached map)
- 2. Vicinity Proposed Land Use**
(see attached map)
- 3. Site Plan**
(see attached site plans)